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CRIME PREVENTION STRATEGIES, IN PARTICULAR AS RELATED TO CRIMES IN URBAN AREAS AND JUVENILE AND VIOLENT CRIMINALITY, INCLUDING THE QUESTION OF VICTIMS: ASSESSMENT AND NEW PERSPECTIVES

Letter dated 12 December 1994 from the Counsellor and Alternate Resident Representative of Canada to the United Nations (Vienna) addressed to the Executive Secretary of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

I am pleased to transmit to you the draft resolution on the elimination of violence against women, which the Government of Canada will introduce at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

(*Signed*) Philip MacKinnon
Counsellor and Alternate
Resident Representative

*A/CONF.169/1.

DRAFT RESOLUTION

Elimination of violence against women

The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Welcoming the proclamation by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women,

Recognizing that women are entitled to guarantees, safeguards and benefits of all human rights recognized in the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights,[2] the Declaration on the Elimination of Violence against Women and other international human rights standards,

Also recognizing that violence against women both violates human rights and fundamental freedoms and impairs or nullifies the enjoyment by women of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms,

Further recognizing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly in its resolution 34/180 of 18 December 1979, contributes to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women strengthens and complements this process,

Strongly condemning all forms of violence against women as set out in the Declaration on the Elimination of Violence against Women,

Bearing in mind that customary, traditional and religious considerations should not be invoked by States to avoid their obligations with respect to the elimination of violence against women,

Recalling that the World Health Assembly, in its resolution WHA 47/10 of 10 May 1994, entitled "Maternal and child health and family planning: Traditional practices harmful to the health of women and children",[3] urged all Member States to establish national policies and programmes that would effectively, and with legal instruments, abolish female genital mutilation, child-bearing before biological and social maturity, and other harmful practices affecting the health of women and children,

Looking forward to the Fourth United Nations World Conference on Women: Action for Equality, Development and Peace, to be held at Beijing from 4 to 15 September 1995,

Concerned that violence against women remains an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women,[4] and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Noting with appreciation the Vienna Declaration and Programme of Action,[5] adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and its confirmation that women's rights are an inalienable, integral and indivisible part of human rights, as well as its affirmation that gender-based violence and all forms of sexual harassment and exploitation are incompatible with the dignity and worth of the human person, and must be eliminated,

Recalling Commission on Human Rights resolution 1994/45 of 4 March 1994, in which the Commission, *inter alia*, condemned all violations of the human rights of women, including acts of gender-based violence against women,

Welcoming the appointment by the Commission on Human Rights, in its resolution 1994/45, of the Special Rapporteur on Violence against Women,

Recalling Economic and Social Council resolution 1993/26 of 27 July 1993, on violence against women in all its forms,

Noting with appreciation the Programme of Action of the International Conference on Population and Development,[6] held at Cairo from 5 to 13 September 1994, and, in particular, its principle 4, which states that advancing gender equality and equity and the empowerment of women, and the elimination of all kinds of violence against women, and ensuring women's ability to control their own fertility are cornerstones of population and development-related programmes,

Calling attention to the fact that it is important that perpetrators of violence against women should receive appropriate punishment and treatment and that appropriate crime prevention measures should be instituted,

Alarmed by acts of sexual violence directed notably against women during periods of armed conflict, as expressed in the declaration[7] of the International Conference for the Protection of War Victims, held at Geneva from 30 August to 1 September 1993, and reiterating the concern expressed in the declaration that such acts constitute grave breaches of international humanitarian law,

Welcoming the role of non-governmental organizations, women's groups and community agencies in addressing and working towards the elimination of violence against women, in particular in drawing attention to the nature, severity and magnitude of violence against women and in assisting women who are victims of violence,

Expressing deep concern about the high social, health and economic costs to the individual and society that are associated with violence against women,

Emphasizing that the protection of human rights is a significant consideration within the criminal justice system as a whole,

Concerned about the particular vulnerability of women accused of criminal activities to human rights violations following their arrest and during their detention,

Bearing in mind that, although violence against women occurs across all economic and ethnic boundaries, women living in poverty, elderly women, women belonging to visible minority groups, women migrant workers, women in situations of armed conflict, aboriginal women and women with disabilities are particularly vulnerable to violence,

Strongly condemning all violations of the human rights of women,

1. *Urges* Member States, in order to prevent, prohibit and punish all forms of violence against women, to adopt, in the absence of existing laws:

(a) Penal sanctions to punish the perpetrators of violence;

(b) Measures that ensure that the re-victimization of women does not occur because of gender-insensitive laws, enforcement practices or other interventions;

(c) Measures to prevent, prohibit and punish marital rape and all practices harmful to women and girl children, including female genital mutilation;

(d) Legal measures to prohibit or restrain persons from harassing, intimidating or threatening women or using any method that harms or endangers their lives or integrity, or damages their property;

(e) Legislation to control the acquisition, storage and use of firearms;

2. *Also urges* Member States to enforce their laws relating to violence against women, in particular to apply due diligence to prevent and investigate acts of violence against women, whether those acts are perpetrated by the State or by private persons;

3. *Further urges* Member States to take appropriate measures to eliminate violence against women in detention;

4. *Further urges* Member States to promote the access of women subjected to violence to assistance that meets their needs, *inter alia*, access to the mechanisms of justice, to restitution, reparations or other just and effective remedies, to adequate and safe housing, to support services, assistance in child care and economic assistance and to counselling, health and social services in order to promote their safety and physical and psychological healing;

5. *Further urges* Member States to develop consultation mechanisms to promote the participation of women and women's organizations in making decisions concerning crime prevention and criminal justice;

6. *Further urges* Member States to consider developing programmes and services to permit the views of women who are victims of violence to be taken into account during pre-trial and criminal trial proceedings, in sentencing and in making decisions to grant parole or other forms of conditional release;

7. *Further urges* Member States to develop intervention programmes and treatment services to modify the attitudes and behaviour of perpetrators while ensuring the safety of women subjected to violence;

8. *Further urges* Member States to promote multidisciplinary training, educational and information-sharing activities to sensitize law enforcement and other justice personnel, as well as persons in other relevant professions such as health care and education, to problems related to violence against women;

9. *Further urges* Member States to promote and support public education and information activities to ensure gender equality, to heighten public awareness of violence against women and of its criminal nature and to assist in preventing all forms of violence against women;

10. *Further urges* Member States to study and exchange information on how the experiences of persons subjected or exposed to violence against women may be related to subsequent violent behaviour;

11. *Further urges* Member States to promote research, collect data and compile statistics by gender on the various forms of violence against women and to encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress such violence;

12. *Requests* Member States to cooperate at the international level, by using bilateral, regional or multilateral mechanisms, including extradition and mutual assistance in criminal matters, that will support their efforts to enforce their legislation on violence against women;

13. *Urges* Member States to encourage the development of appropriate media guidelines in order to contribute to the eradication of violence against women and to enhance respect for their dignity by discouraging the perpetuation of pro-violence values and stereotypes of women;

14. *Also urges* Member States to take special account of women's vulnerability to violence in situations of armed conflict, including murder, torture, rape and systematic rape, sexual slavery and forced pregnancy, *inter alia*:

(a) By observing strictly international humanitarian law, as well as minimum standards for human rights set forth in international human rights instruments;

(b) By ensuring that women subjected to violence during armed conflict have safe and timely access to assistance by humanitarian organizations;

(c) By punishing the perpetrators of such violence;

15. *Requests* the Secretary-General to ensure that *Strategies for Confronting Domestic Violence: a Resource Manual*,[8] which is based on a draft prepared by the Government of Canada in cooperation with the Crime Prevention and Criminal Justice Branch of the Secretariat and with the European Institute for Crime Prevention and Control, affiliated with the United Nations, and is currently available in English only, is published in the other official languages of the United Nations, subject to the availability of regular budget or extrabudgetary funds;

16. *Urges* Member States to disseminate the publication entitled *Strategies for Confronting Domestic Violence: a Resource Manual* and to take steps to facilitate its full utilization;

17. *Recommends* that the in-sessional working group of the Commission on Crime Prevention and Criminal Justice, at its fourth session, should seek ways in which practical activities could be developed, including training, research and advisory services, to achieve the goal of preventing and eradicating violence against women, and in doing so, to have regard to the relevant recommendations and proposals of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

18. *Urges* the Commission on Crime Prevention and Criminal Justice to consider this issue a priority for the biennium 1996-1997 in the context of its mandate on crime prevention and criminal justice, and to undertake the work in close collaboration with the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Special Rapporteur on Violence against Women, the Commission on Human Rights, including the Subcommission on Prevention of Discrimination and Protection of Minorities, and the World Health Organization;

19. *Invites* the institutes in the United Nations crime prevention and criminal justice programme network to undertake practical activities to combat violence against women, including the provision of training and advisory services, and to develop proposals on other measures that could be taken in the field of crime prevention and criminal justice to combat violence against women;

20. *Requests* Member States to consider the recommendations on violence against women that were made in the workshop on prevention of violent crime, organized within the framework of the Ninth Congress, which are annexed to the present resolution.

Notes

[1]General Assembly resolution 217 A (III) of 10 December 1948.

[2]General Assembly resolution 2200 A (XXI), annex, of 16 December 1966.

[3]See World Health Organization, *Forty-seventh World Health Assembly, Geneva, 2-12 May 1994, Resolutions and Decisions, Annexes* (WHA 47/1994/REC/1).

[4]*Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985* (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A, para. 288.

[5]*Report of the World Conference on Human Rights, Vienna, 14-25 June 1993* (A/CONF.157/24 (Part I)), chap. III.

[6]A/CONF.171/13, chap. I, resolution 1, annex, chap. II.

[7]A/48/742, annex.

[8]ST/CSDHA/20.